IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3589 OF 2005

Smt. Layavva Mhalappa Bandgar & Ors. ...Applicants

V/s.

The State of Maharasthra ...Respondent

Shri. Suhas M. Oak for the Applicants.
Ms. S.D.Shinde A.P.P. for the Respondent.

CORAM : A.S. OKA, J.
DATED : JUNE 17, 2005.

P.C.:

1. Heard Counsel appearing for the parties. All the three Applicants are ladies who are the original Accused Nos.9 to 11. An offence has been registered against the Applicants and others punishable under Section 302, 324, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 135 of the Bombay Police Act, 1951 at Mangalwedha Police Station. There is no dispute that investigation is complete and the chargesheet has been filed.

2. The Application made by the Applicants before the learned Additional Sessions Judge has been rejected on the ground that there is a specific allegation of assault by stones against the Applicants and that prima facie it was established that the Applicants were members of unlawful assembly. Time was granted to the learned A.P.P.on 14th June, 2005 to ascertain

whether there are any criminal antecedents of the Applicants. The learned A.P.P. on the instruction of the concerned Officer has stated today that there is no record available to show criminal background of the Applicants.

3. The perusal of the statement of one Shivgeni Tamanna Bandgar shows that the allegation against the Applicants is that the Applicants started throwing stones at his wife and sister-in-law. It is not the case of the prosecution that the Applicants are parties to the assault on the deceased.

4. In view of the material which is available against the Applicants and in view of the facts that there are no criminal antecedents of the Applicants, this is a case where Applicants should be enlarged on bail. It cannot be ignored that the Applicants are married women and after chargesheet is filed and the investigation is completed,no case is made out for continuing them in the custody.

5. Hence, I pass the following order:

: O R D E R :

i) The Applicants shall be enlarged on bail in connection with the C.R.No.108 of 2004 registered at Mangalwedha Police Station subject to each Applicant furnishing a P.R. Bond in the sum of Rs.7,500/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that on every Sunday the Applicants will report to their nearest Police Out-post from 11.00 a.m. to 01.00 p.m. till the conclusion of the trial.

iii) The Applicants will attend the Trial Court on various dates fixed for hearing. In case the trial is delayed due to default on the part of the Applicants, the learned Trial Judge shall make entry to that effect in the roznama which may be ground for cancellation of bail.

iv) The Application is disposed of in the above terms.

JUDGE